

**CHAPTER 175**  
**AIRPORT ZONING REGULATIONS**

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**175.01 DEFINITIONS.** As used in this chapter, unless the context otherwise requires:

1. "Airport" means the Forest City Municipal Airport.
2. "Airport elevation" means the highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be 1,209 feet.
3. "Airport hazard" means any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen (14) Code of Federal Regulations Sections 77.21, 77.23 and 77.25 and which obstructs the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
4. "Airport primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
5. "Airspace height" means for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
6. "Control zone" means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
7. "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
8. "Minimum descent altitude" means the lowest altitude expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
9. "Minimum en route altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

10. "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes on VOR airways, off-airways routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.
11. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
12. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

**175.02 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS.** In order to carry out the provisions of this section, there are hereby created and established certain zones which are depicted on the Municipal Airport Height Zoning Map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

1. **Horizontal Zone.** The land lying under a horizontal plane 150 feet above the established elevations, the perimeter of which is constructed by:
  - A. Swinging arcs of 5,000 feet radii from the center of each end of the primary surface of runways 9 and 27 and connecting the adjacent arcs by lines tangent to those arcs.
  - B. Swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runways 15 and 33, and connecting the adjacent arcs by lines tangent to those arcs.

No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Municipal Airport Height Zoning Map.

2. **Conical Zone.** The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet to one for a horizontal distance of 4,000 feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Municipal Airport Height Zoning Map.
3. **Approach Zone.** The land lying under the surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
  - A. **Visual Other Than Utility Runway and Non-precision Instrument Runway.** The inner edge of the approach surface is:
    - (1) 250 feet wide for runways 9 and 27.
    - (2) 500 feet wide for runways 15 and 33.
  - B. **Visual Other Than Utility Runways.** The outer edge of the approach zone is:
    - (1) 1,250 feet for runways 9 and 27.
    - (2) 3,500 feet for runways 15 and 33.

- C. The approach zone extends for a horizontal distance of:
- (1) 5,000 feet at a slope of 20 to one for runways 9 and 27;
  - (2) 10,000 feet at a slope of 34 to one for runways 15 and 33.

No structure shall exceed the approach surface to any runway, as depicted on the Municipal Airport Height Zoning Map.

4. Transitional Zone. The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one from the sides of the primary surface.

**175.03 LIGHTING.** The owner of any structure over 200 feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. Additionally, any structure constructed after the effective date of the ordinance codified in this chapter and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D and amendments. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City or County at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

**175.04 VARIANCES.** Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in violation of any section of this chapter, may apply to the Board of Adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been submitted to Municipal Airport Commission for an opinion as to the aeronautical effects of such a variance. If the Municipal Airport Commission does not respond to the Board of Adjustment within 15 days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

**175.05 NONCONFORMING USES.**

1. The lawful use of land, buildings or other improvements existing on the effective date of the ordinance codified in this chapter may be continued even though such use does not conform to the provisions of this chapter. A nonconforming use of land or building shall not be enlarged in any manner or form. The foregoing provisions shall also apply to the nonconforming uses in zones hereafter changed. Whenever a nonconforming use has been changed to a restricted use, such use shall not thereafter be changed to a less restricted use.
2. Whenever a nonconforming use of any land or building is voluntarily discontinued for a period of two years, its use shall thereafter conform to the use regulations of the zone in which it is located.
3. No building whose use does not conform to the provisions of this chapter, except when required to do so by law or ordinance, shall be enlarged, extended, reconstructed, or structurally altered unless changing the use to a use permitted in the district in which said building or premises is located.
4. The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

**175.06 AMENDMENTS AND CHANGES.**

1. The Council and County Boards of Supervisors may, from time to time, on their own motions or on petition, amend, supplement, change, modify or repeal, by ordinance the boundaries of districts or regulations or restrictions established in this chapter. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Forest City Municipal Airport Commission for its recommendations and report. If the Airport Commission makes no report within thirty (30) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification, or change. After the recommendations have been filed, the Council and the Boards of Supervisors shall, before enacting any proposed amendment, supplement, change, modification or repeal, hold a public hearing in relation thereto, giving at least fifteen (15) days' notice of the time and place of hearing, which notice shall first be published in a newspaper having a general circulation in the City.

2. If the Airport Commission recommends against, or if a protest against such proposed amendment, supplement, change, modification or repeal is presented in writing to the Clerk or County Auditors, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area included in such proposed change, or area immediately adjacent thereto, extending the depth of not to exceed one mile therefrom, such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of three-fourths of the members of the Council and Boards of Supervisors of the Counties.

3. Before any action shall be taken as provided in this chapter, any private party or parties proposing a change in the zoning regulations shall deposit with the City Treasurer or County Auditors the sum of fifteen dollars (\$15.00) to cover the approximate cost of this procedure, and under no condition shall the sum or any part thereof be refunded for failure of the change to be adopted.

**175.07 JUDICIAL REVIEW.** Any person aggrieved or any taxpayer affected by any decision of the Board of Adjustment may appeal to the court of record as provided in the Code of Iowa, Section 414.15.

**175.08 BOARD OF ADJUSTMENT ESTABLISHED.** There is hereby created a Board of Adjustment to have and exercise the following powers:

1. Appeals. To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Commission in the enforcement of this chapter.
2. Special Exemptions. To hear and decide special exemptions to the terms of this chapter upon which such Board of Adjustment under such regulations may be required to pass.
3. Variances. To hear and decide specific variances.

**175.09 BOARD OF ADJUSTMENT.** The Board of Adjustment shall consist of three (3) members appointed by the Council, and two (2) members appointed by the Winnebago County Board of Supervisors, and two (2) members appointed by the Hancock County Board of Supervisors. The members shall serve for staggered terms of five (5) years and until a successor is duly appointed and qualified. Members are removable for cause by the appointing authority, upon written charges, after a public hearing.

**175.10 BOARD OF ADJUSTMENT PROCEDURES.** The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson, or in his or her absence the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the offices of the Clerk and County Auditor, and on due cause shown.

**175.11 POWERS OF BOARD OF ADJUSTMENT.** The Board of Adjustment shall have the powers established in the Code of Iowa, Section 414.12.

**175.12 VOTE ON VARIATIONS OR ORDERS.** The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant, on any matter upon which it is required to pass under this chapter, or to effect variations of this chapter.

**175.13 ADMINISTRATIVE AGENCY.** It is the duty of the Airport Commission to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Commission upon a form furnished by the Commission. Applications required by this chapter to be submitted to the Airport Commission shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Airport Zoning Board or the County Zoning Board or officer.

**175.14 CONFLICTING REGULATIONS.** Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict is with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**175.15 PENALTIES.** Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a simple misdemeanor, and each day a violation continues to exist shall constitute a separate offense.